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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/200,631	11/30/1998	CURTIS L. ASHTON	1569/1570	9598
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DENVER, CO 80202

EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/200,631

Applicant(s)
Ashton et al.

Examiner
George Eng

Art Unit
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 28, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-11, and 13-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-11, and 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2643

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 1/28/2002 (paper no. 11).

Claim Objections

2. Claims 14 and 20-21 are objected to because of the following informalities: claim 14, line 6, "a optical netowrk node" should be --an optical network node--; claims 20 and 21, line 3, "a optical netowrk node" should be --the optical network node--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made

Art Unit: 2643

in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 4-10, 14-16, 18-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigham et al. (US PAT. 5,740,075 hereinafter Bigham) in view of Walsh (US PAT. 5,825,516).

Regarding claim 1, Bigham discloses a system for powering a fiber optic communication network which transmits communication data between a telecommunications service provider and a remote user device as shown in figure 3. The system comprises an optical network node (ONU 1210) for converting the communication data from a digital optical state to a digital electrical state (col. 21 lines 25-23), a fiber optic communication medium (1190) configured to transfer the communication data between the telecommunications service provider (1333), and the optical network node (col. 20 lines 41-42 and col. 26 lines 31-46), a power source (1211) and a battery reserve power configured to supply an electrical supply voltage to power the digital subscriber line access multiplexer, and an electrical conducting medium (1215) configured to conduct the electrical supply voltage and the communication data from the optical network node to a network interface device in electrical communication with the remote user device (col. 21 lines 8-13 and col. 26 lines 55-59). Bigham differs from the claimed invention in not specifically teaching the power source comprising an alarm system configured to monitor the operation of the power source and provide power source operation information. However, Walsh teaches an optical power meter configured

Art Unit: 2643

to monitor the operation of the power source and providing power source operation information (col. 4 line 11 through col.5 line 3).Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bigham in having the power source comprising an alarm system configured to monitor the operation of the power source and provide power source operation information, as per teaching of Walsh, because it provides reliably and accurately information to a user of loss factors in the fiber optic cable due to intrinsic and extrinsic factors.

Regarding claims 4-7, Bigham disclose that the power source (1211) is located proximate to the optical network node (1210) which is remote from the optical network node and supplies power to plurality of the optical network node (figure 3B). Note while it is notoriously well known in the art that power source is capable of shifting location due to the design purposed. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bigham in having power source (1211) located proximate to telecommunications service provider or, as well as a digital loop carrier based upon the design purposes.

Regarding claims 8-10, Bigham teaches the remote user device comprising telephone (1219), a computer (1217), and a television (figure 3B).

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 15, Bigham teaches the optical network node comprising an optical network unit (col. 20 line 40).

Art Unit: 2643

Regarding claim 16, Bigham discloses the system comprising the optical network (ONU 1210) functioning as a digital subscriber line access multiplexer for converting the communication data from a digital optical state to a digital electrical state (col. 21 lines 25-23).

Regarding claims 18-19, Bigham discloses an electrical conducting medium conducting the electrical supply voltage and the communication data from the optical network node and the remote user device, and a network interface device (1217) connected between the optical network and the remote user device (figure 3B).

Regarding claims 20-21, Bigham teaches to transfer digital communication data between the telecommunications service provider and an optical network unit, i.e., a digital subscriber line access multiplexer (col. 21 lines 25-23).

Regarding claims 22-23, Walsh teaches to transmitting alarm signal comprising transmitting power level and operational data to the telecommunications service provider (figure 4 and col. 6 lines 17-38).

Regarding claims 25-26, the limitations of the claims are rejected as the same reasons set forth in claims 18-19.

5. Claims 11, 13, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigham et al. (US PAT. 5,740,075 hereinafter Bigham) in view of Walsh (US PAT. 5,825,516) as applied in claims above, and further in view of Skinner, Sr. (US PAT. 5,355,401 hereinafter Skinner).

Art Unit: 2643

Regarding claims 11, 13 and 17, the combination of Gigham and Walsh differs from the claimed invention in not specifically teaching that the power source has an AC power feed for providing power and the battery reserve power for providing power when the AC power feed is not supplying power, wherein the power source comprising a plurality of rectifiers, a plurality of converters, a plurality of current limiters and a plurality of batteries configured to supply DC voltage. However, Skinner teaches power supply (32) having an AC power feed from input connection (33) for providing AC power and a DC power feed (35) for providing power when the AC power feed is not supplying power (col. 5 lines 26-64). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bigham in having AC power feed for providing power and the battery reserve power for providing power when the AC power feed is not supplying power, as per teaching of Skinner, because it improves reliability of the system in order to provides additional hours of normal operation of all equipments even though the main AC power feed is interrupted.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claims 11, 13 and 17.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 4-11 and 13-26 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2643

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8.

9. Any response to this final action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2643

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

GEORGE ENG

April 5, 2002


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600